

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Stipulated Final Judgment for Expert Fees and Costs Concerning Parcels 100 and 101
(CR 466 A)

REQUESTED ACTION: Staff recommends approval

☐ Work Session (Report Only) **DATE OF MEETING:** 3/23/2010
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: Support Services/County Administration

BUDGET IMPACT: \$316,925.00
☐ Annual **FUNDING SOURCE:** Impact Fees-Purchase of Right-of-ways
☒ Capital **EXPENDITURE ACCOUNT:** 153-342-541-6101
☐ N/A

HISTORY/FACTS/ISSUES:

The Joint Motion to enter Stipulated Final Judgment for Expert Fees and Costs and Attorneys' fees and costs concerning parcels 100 and 101 filed by Sumter County (Petitioner) and Oxford Land Holdings, INC a Florida corporation d/b/a Oxford Outdoor Advertising, et al.

On or about May 27, 2009, the County filed its petition for the purpose of acquiring parcels 100 and 101 through eminent domain. In accordance with the Court's August 10, 2009 Stipulated Order of Taking, the County timely deposited \$110,900.00 in the court registry on or about August 21, 2009.

Within 30 days from the date of this judgment, the County shall deposit the amount of \$316,925.00 into the court registry, (in addition to the \$110,900.00 previously deposited) in full and complete settlement and satisfaction of any and all claims and all reasonable monetary and non-monetary attorney's fees concerning parcels 100 and 101.

IN THE CIRCUIT COURT FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA,)	
)	
Petitioner,)	
vs.)	CASE NO. 2009-CA-000466
)	
OXFORD LAND HOLDINGS, INC.,)	PARCEL NOS. 100 and 101
a Florida corporation d/b/a OXFORD)	
OUTDOOR ADVERTISING, et al.,))	
)	
Respondent.)	

STIPULATED FINAL JUDGMENT CONCERNING PARCELS 100 and 101

THIS CAUSE came to be considered pursuant to the attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcels 100 and 101, filed by Petitioner **Sumter County** (the "County") and Respondent Oxford Land Holdings, Inc., a Florida corporation d/b/a Oxford Outdoor Advertising ("Respondent"). Upon reviewing the motion and the file, and being otherwise fully advised in the premises, the Court

ORDERED AND ADJUDGED:

1. The parties have reached a settlement of disputed claims, and their attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcels 100 and 101 is hereby **GRANTED**.

2. On or about May 27, 2009, the County filed its petition for the purpose of acquiring Parcels 100 and 101 through eminent domain. In accordance with the Court's August 10, 2009 Stipulated Order of Taking Concerning Parcels 100 and 101, the County timely deposited \$110,900.00 in the court registry concerning Parcels 100 and 101 on or about August 21, 2009.

3. Within 30 days from the date of this judgment, the County shall deposit the amount of \$226,600.00 into the court registry (which amount is in addition to the \$110,900.00 previously deposited), in full and complete settlement and satisfaction of any and all claims concerning Parcels 100 and 101, including but not limited to improvements taken, severance damages, business or special damages, leasehold interests and subject to any claims for apportionment. This amount is exclusive of any claims for expert fees and costs and attorneys' fees and costs, if any.

4. Within 30 days from the date of this judgment, the County shall also pay the total amount of \$90,325.00 in full and complete satisfaction of any and all reasonable monetary and non-monetary attorney's fees concerning Parcels 100 and 101, but exclusive of any claims for attorney's fees and costs resulting from any disputed apportionment proceedings and attorneys' costs. This amount shall be payable to the Trust Account of Forman, Hanratty & Montgomery, P.A., 723 E. Ft. King Street, Ocala, FL 34471.

5. Upon depositing and paying the foregoing amounts, the County shall be deemed to own the outdoor advertising signs/billboard improvements in Parcels 100 and 101 as described in Exhibit "A" attached hereto, and shall have fully and completely satisfied any and all pending claims in this case concerning Parcels 100 and 101, including but not limited to the order of taking, full compensation, improvements taken, severance damages, business and special damages, leasehold interest, any other type of damages recoverable in eminent domain, interest, the value of any liens, leases, encumbrances, options, or contracts, all pending motions, apportionment claims, all compensable legal expenses, including all reasonable monetary and non-monetary attorney's fees.

6. Any withdrawal and/or apportionment of funds deposited in the court registry concerning Parcels 100 and 101 shall be done in accordance with Sections 73.101 and 73.141, Florida Statutes.

7. The Court reserves jurisdiction to determine (a) any requests to withdraw and/or apportion funds, (b) any claims for expert fees and costs, (c) any claims for attorneys' costs and/or (d) to enforce the terms and provisions of this final judgment.

DONE AND ORDERED, this _____ day of _____, 2010, in chambers in Bushnell, Sumter County, Florida.

Honorable William Hallman, III
Circuit Court Judge

I HEREBY CERTIFY that a conformed copy hereof has been furnished by U.S. Mail this _____ day of _____, 2009 to:

Vivian Arenas-Battles, Esq.
Counsel for Sumter County
P.O. Box 2350
Tampa, FL 33601-2350

Joseph M. Hanratty, Esq.,
Counsel for Respondent Oxford
Forman, Hanratty & Montgomery
723 E. Ft. King St.
Ocala, Florida 34471

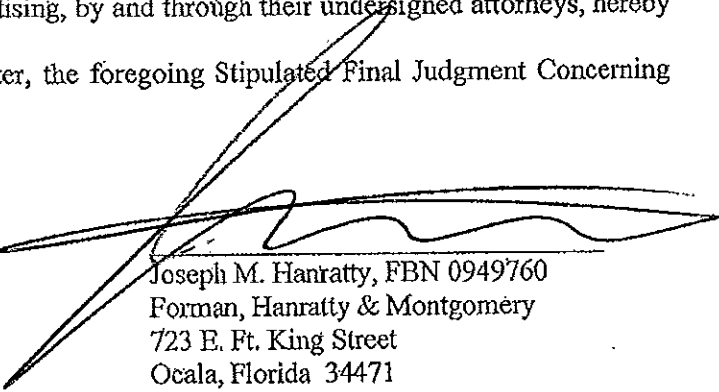
Felix M. Adams, Esq.,
Counsel for Tom Swain, Sumter County Tax Collector
138 Bushnell Plaza
Suite 201
Bushnell, FL 33513

Judicial Assistant

**JOINT MOTION TO ENTER STIPULATED
FINAL JUDGMENT CONCERNING PARCELS 100 AND 101**

Petitioner Sumter County, Florida and Respondent Oxford Land Holdings, Inc., a Florida corporation d/b/a Oxford Outdoor Advertising, by and through their undersigned attorneys, hereby stipulate to, and move the Court to enter, the foregoing Stipulated Final Judgment Concerning Parcels 100 and 101.

Vivian Arenas-Battles, FBN 606261
David M. Caldevilla, FBN 654248
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
Telephone: (813)229-2775
COUNSEL FOR SUMTER COUNTY


Joseph M. Hanratty, FBN 0949760
Forman, Hanratty & Montgomery
723 E. Ft. King Street
Ocala, Florida 34471
Telephone (352) 732-3915
COUNSEL FOR RESPONDENT

Date: _____

Date: 3/8/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served on each of the following named addresses by facsimile and U.S. Mail on this ____ day of _____, 2010.

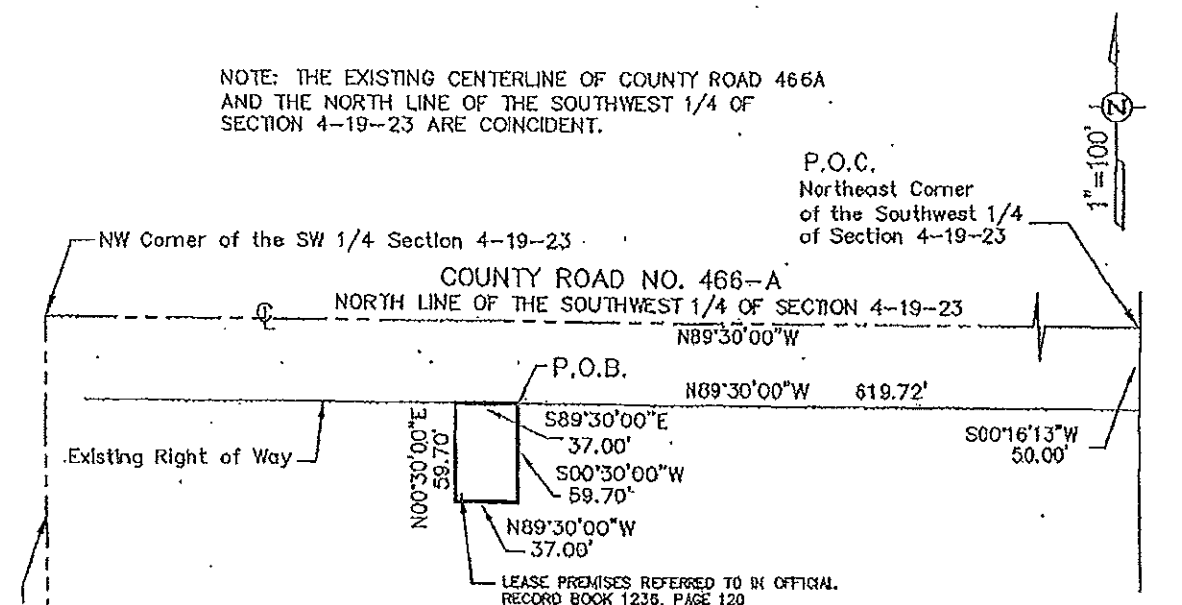
Joseph M. Hanratty, Esquire
Forman, Hanratty & Montgomery
723 E. Fort King Street
Ocala, FL 3447
Counsel for Respondent

Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, Florida 33513
Attorney for Tax Collector

Vivian Arenas-Battles, FBN 606261

SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

NOTE: THE EXISTING CENTERLINE OF COUNTY ROAD 466A
AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF
SECTION 4-19-23 ARE COINCIDENT.

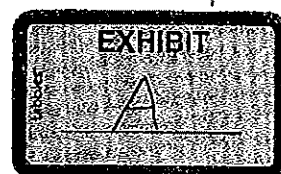


LEGAL DESCRIPTION OF EASTERLY BILLBOARD ON PARCEL 100:

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 4,
TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE SOUTH
89°16'13" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE
OF 50.00 FEET; THENCE NORTH 89°30'00" WEST FEET ALONG THE SOUTH
RIGHT OF WAY OF COUNTY ROAD NUMBER 466A 619.72 TO THE POINT OF
BEGINNING; THENCE SOUTH 00°30'00" WEST 59.70 FEET; THENCE NORTH
89°30'00" WEST 37.00 FEET; THENCE NORTH 00°30'00" EAST 59.70 FEET TO A
POINT ON THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466A;
THENCE SOUTH 89°30'00" EAST ALONG AFOREMENTIONED RIGHT OF WAY, 37.00
FEET AND THE POINT OF BEGINNING.

CONTAINING 2209 SQUARE FEET (0.051 ACRES) MORE OR LESS.



GENERAL NOTES

1. BEARING ARE ASSUMED REFERRED TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4-19-23, HAVING A BEARING OF N89°30'00"W.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS SKETCH PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

APRIL 15, 2009

ALEXANDER DUCHART, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5998



**FARNER
BARLEY**
AND ASSOCIATES, INC.

▲ ENGINEERS
▲ SURVEYORS
▲ PLANNERS
LB 4709

4450 NW 83RD ROAD - NEW WOOD, FL 34785 - (352) 748-3126

SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

NOTE: THE EXISTING CENTERLINE OF COUNTY ROAD 466A
AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF
SECTION 4-19-23 ARE COINCIDENT.

P.O.C.
NW Corner of the SW 1/4 Section 4-19-23

Northeast Corner
of the Southwest 1/4
of Section 4-19-23

COUNTY ROAD NO. 466-A
NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4-19-23

S89°30'00"E 243.07' S00°22'17"W 50.00'

P.O.B.

Existing Right of Way

N00°22'17"E 59.70'

S89°30'00"E 37.00'

S00°22'17"W 59.70'

N89°30'00"W 37.00'

LEASE PREMISES REFERRED TO IN OFFICIAL
RECORD BOOK 728, PAGE 199 AND NOTICE
OF COMMENCEMENT, O.R.B. 884, PAGE 792

285.00'

305.68'

528.07'

West Line of the SW 1/4 Section 4-19-23

1"=100'

LEGAL DESCRIPTION OF WESTERLY BILLBOARD ON PARCEL 101:

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 4,
TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH
89°30'00" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A
DISTANCE OF 243.07 FEET; THENCE SOUTH 00°22'17" WEST 50.00 FEET TO
THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466A AND THE POINT
OF BEGINNING; THENCE SOUTH 89°30'00" EAST ALONG AFOREMENTIONED RIGHT
OF WAY, 37.00 FEET; THENCE SOUTH 00°22'17" WEST 59.70 FEET; THENCE
NORTH 89°30'00" WEST 37.00 FEET; THENCE NORTH 00°22'17" EAST 59.70
FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER
466A AND THE POINT OF BEGINNING.

CONTAINING 2209 SQUARE FEET (0.051 ACRES) MORE OR LESS.

APRIL 15, 2009

GENERAL NOTES

1. BEARING ARE ASSUMED REFERRED TO THE NORTH LINE OF THE SOUTHWEST 1/4
OF SECTION 4-19-23, HAVING A BEARING OF S89°30'00"E.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE
AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS SKETCH PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT
REPRESENT A FIELD SURVEY.

ALEXANDER DUCHART, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5998

**FARNER
BAILEY**
AND ASSOCIATES, INC.
4450 NE 63RD ROAD - WILDMOOD, FL 34785 - (352) 718-3126

ENGINEER
SURVEYOR
PLANNER
UB 4709

NOTE: THE EXISTING CENTERLINE OF COUNTY ROAD 466A AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4-19-23 ARE COINCIDENT.

Northeast Corner
of the Southwest 1/4
of Section 4-19-23

$$r^* = 100,$$

P.O.C.
— NW Corner of the SW 1/4 Section 4-19-23

COUNTY ROAD NO. 468-A

NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4-19-23

S89°30'00"E 243.07

P.O.B.

500°22'17"W
50.00'

50.00'

SB9°30'00"E

37.00

S00°22'17"W
59.70'

N89°30'00"W

LEASE PREMISES REFERRED TO IN OFFICIAL
RECORD BOOK 728, PAGE 199 AND NOTICE
OF COMMENCEMENT, O.R.B. 884, PAGE 792
285.00'

- 285,00

-528.07

305.68'

LEGAL DESCRIPTION OF WESTERLY BILLBOARD ON PARCEL 101:

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TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 89°30'00" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 243.07 FEET; THENCE SOUTH 00°22'17" WEST 50.00 FEET TO THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466A AND THE POINT OF BEGINNING; THENCE SOUTH 89°30'00" EAST ALONG AFOREMENTIONED RIGHT OF WAY, 37.00 FEET; THENCE SOUTH 00°22'17" WEST 59.70 FEET; THENCE NORTH 89°30'00" WEST 37.00 FEET; THENCE NORTH 00°22'17" EAST 59.70 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466A AND THE POINT OF BEGINNING.

CONTAINING 2209 SQUARE FEET (0.051 ACRES) MORE OR LESS.

APR 15, 2009

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ALEXANDER DUCHART, PROFESSIONAL SURVEYOR, & MAPPER
FLORIDA REGISTRATION NO. 5098



**FARNER
BAPLEY**
AND ASSOCIATES, INC.

4450 NE 43RD ROAD - WILDFORD, FL 34785 - (352) 748-3126

▲ ENGINEERS
▲ SURVEYORS
▲ PLANNERS
LB 4703